



**City of Milpitas  
Building And Safety Division**

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BDP-BLG20

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**Additions to R3 occupancies less than 5  
feet from property line**

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Proposed By: TUCC

**CODE REFERENCES:**

**2007 CBC – Tables 602 and 704.8, Chapter 34, Sections 3403 and 3403.1**

**ISSUE:**

The Building Code has historically permitted additions to residential structures to be located 3 feet from the property line, with no fire rated walls and unprotected openings.

Table 602 (Fire-Resistance Rating Requirements for Exterior Walls based on Fire Separation) and Table 704.8 (Maximum Area of Exterior Wall Openings) regulate the wall construction and opening protection for R-3 occupancies.

The question is how to regulate the construction of an addition to an existing single-family dwelling that is located less than 5 feet from the property line.

**WHAT IS AN OPENING?**

Openings are not specifically defined in the 2007 CBC. However, Section 704.8 states; “The maximum area of unprotected or protected openings permitted in an exterior wall in any story shall not exceed the values set forth in Table 704.8.”

The definition of story (2007 CBC, Ch.2) states; “The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is not a ceiling, to the top of the roof rafters.”

Therefore, all openings from the first floor level and above should be considered in calculating the maximum allowable openings. Under floor ventilation openings need not be considered in calculating the maximum allowable percentage.

Table 602, footnote “f” states that Group R-3 shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet or more.

Table 704.8, footnote “c” allows a maximum of 25% of the exterior wall opening to be “open” and unprotected in R-3 occupancy. (See policy BDP-BLG18).

Section 3403, regulates the construction of additions, alterations and repairs in existing structures. Section 3403.1 states; “Additions or alterations to any building or structure shall comply with the requirements of the code for new construction.”

**POLICY:**

Additions to existing homes with exterior walls located less than 5 feet from the property line shall meet the following requirements:

- New walls constructed less than 5 feet from the property line are required to have a Fire-Resistance Rating of one-hour (Table 602, footnote “f”).
- If new walls are constructed 3 feet or less to the property line, openings are not permitted.
- If new walls are constructed between 3 feet to 5 feet from the property line, the maximum area of openings shall be 25% of the wall area and allowed to be unprotected (policy BDP-BLG18).
- Only the “new construction work” is to be regulated. The existing walls of the dwelling including the “openings” are allowed to remain as previously permitted.